



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2008-04869

Keyword: Crime

Subject: ALLEGED RAPE IN AGINCOURT AVENUE, SOUTH BELFAST

Request:

I'm trying to get a handle on what exactly happened in connection with the report of a rape in the Agincourt Avenue area of South Belfast earlier this week, and the subsequent police announcement that there was in fact no rape. Hope you can help with some of these issues below.

1. Where was the rape alleged to have happened, i.e. - in a house, on a street, or wherever?
2. What police enquiries had taken place between the time of the report, and the first media announcement appealing for information?
3. Can I have a detailed breakdown of these enquiries?
4. What police enquiries took place between the first media announcement, and the decision to stand down the rape investigation?
5. Can I have a detailed breakdown of these enquiries?
6. In addition to the person who made the original claim, How many other people were interviewed as part of the enquiry.
 - A. Before the first appeal for information
 - B. After the first appeal, and before the rape investigation was stood down.
7. What information in particular led the police to declare that no rape happened?
8. If there was no rape, what do they believe happened?
9. Do the police believe sex took place?
10. Do the police believe it was it consensual?
11. Was the report of rape withdrawn by the person who made the original report?
12. If it was withdrawn, what were the grounds for withdrawing it
13. Are the police now pursuing a case of 'wasting police time'

Answer:

Your request for information has now been considered and the decision has been taken not to supply the information you have requested.

Section 17 of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which:

- (a) States that fact,
- (b) Specifies the exemption in question and
- (c) States (if not otherwise apparent) why the exemption applies.

The exemption/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

S30 Investigations and proceedings conducted by the public authority, 38(1)(a)& (b) - Health & Safety and Section 40(2) Personal Information, of the Freedom of Information Act.

Section 38 is a Prejudiced based exemptions, and this means it is the Public Authority's responsibility to evidence the harm.

Section 30 and 40 are Class based exemptions, and this means that the legislators have agreed there would be harm if this information were released.

Sections 30, 38 and 40 are Qualified exemptions and, therefore, a Public Interest Test must be carried out. Please find both tests listed below.

HARM TEST

Under the Freedom of Information Act (2000) any information released under FOI is released in to the public domain, not just to the individual requesting the information.

Police investigations are conducted with due regard to the confidentiality and privacy of all parties involved, i.e. victims, offender and witnesses. There is an expectation that details provided are to be used only for the purpose for which provided, in this case for the purpose of a criminal investigations (Alleged Rape).

Releasing details, which may lead to the identity of any third party may prevent future victims or witnesses of crime from coming forward for fear of identification. This will lead to unreported crime and a loss of confidence in the PSNI to investigate such cases. The fear of crime is also likely to increase if the public have no expectation that police can take positive action by patrolling areas where crimes occur as reliable statistics will not be available to identify hotspots. Underreporting of crime leads to an increase in undetected crime, which has an adverse affect on the community. This may result in individuals not being brought to justice.

The release of this information could also potentially impact on any future rape investigations, it is suggested that as many as 80% of rapes are still unreported. One of the contributing factors to under reporting is the victim's perceptions that they will not be believed. We are seeking to increase reporting to increase detections and secure prosecutions. To publish details of false reports may discourage further victims from coming forward, thereby reducing our ability to detect offenders and increasing the risk to the public.

To release information on the way in which rape investigations are conducted would reveal tactically sensitive information, disclosure of which could undermine future rape investigations as offenders with this knowledge might take steps against this in turn leaving them undetected and able to re-offend.

PUBLIC INTEREST TEST

Factors favouring disclosure

Accountability

The information you have requested relates directly to the efficiency and effectiveness of the service and it's officers

when investigating an alleged rape.

Human Rights, Morals and Ethics

The public interest may be served by providing individuals with information of particular reference to them and their situation, for example; information that would assist the applicant to understand the steps taken by the Service when dealing with a rape investigation i.e. procedures.

Factors favouring non-disclosure

Investigations

The information you have requested falling within the scope of this exemption could cause harm if disclosed, release of this information could potentially impact on any future review and rape investigations as a whole as it would reveal tactically sensitive information.

Interests of third parties

Where third party interests might be jeopardised by the release of information that relates to their identity or personal affairs.

Flow of Information to the Service

A decrease in public confidence may lead to a reduction in support for the police service, witnesses coming forward, and would deter the public from reporting matters to the police, resulting in victims under reporting matters. This would have a negative impact on the effectiveness and efficiency of the PSNI.

Human Rights, Morals and Ethics

There can be a public interest in non-disclosure that adversely affects the reputation of an individual, for example; where they have been the subject of an investigation resulting in no further police action.

BALANCING TEST

On balance the requirement to withhold information relating to a criminal investigation together with personal information, the release of which may effect the health and safety of individuals and jeopardise any future investigations must take precedence over the important issues of accountability and Human Rights, Morals and Ethics. In addition, if PSNI were to release personal data, they would be in breach of the Data Protection Act. At this time, it would not be in the Public Interest to release the information.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this email.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing FOI@psni.pnn.police.uk

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ <http://www.psnipolice.uk/>

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.